

RULE NO.: R161-15.12

POSTING DATE: October 6, 2015

NOTICE OF PROPOSED RULE

The Director of Watershed Protection Department proposes to adopt the following rule after November 7, 2015.

Comments on the proposed rule are requested from the public. Comments should be submitted to Dana McGehee, 505 Barton Springs Road, Suite 1200, Austin Texas, 78704, 974-2634, or via email at dana.mcgehee@austintexas.gov. To be considered, comments must be submitted before November 7, 2014, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph.

EFFECTIVE DATE OF PROPOSED RULE

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before November 7, 2015 (the 32nd day after the date of this notice) or not after January 4, 2016 (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before January 4, 2016 it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

TEXT OF PROPOSED RULE

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Watershed Protection Department, located at 505 Barton Springs Road, Suite 1200, Austin, TX, 78704; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

BRIEF EXPLANATION OF PROPOSED RULE

R161-15.12: Additions and revisions to the Environmental Criteria Manual Section 1.4, *Erosion and Sediment Control*, and Environmental Criteria Manual Section 1.6, *Design Guidelines for Water Quality Control*, as follows:

Environmental Criteria Manual Section 1.4 – Erosion and Sedimentation Control

- **1.4.3 – Definitions**
 - Certified Inspectors: Added CESSWI to the list of licensed inspectors.
 - Permanent Stabilization: Clarified that this applies to disturbed areas which are dormant for 14 days or longer.
- **1.4.4.D.4 - Compliance Inspection by the City, Enforcement of Non-compliance by the City**
 - Replaced term “Cease and Desist” with correct terminology “Stop Work Order”.
- **1.4.4.F – Maintenance Responsibilities After Construction**
 - Updated code reference.
- **1.4.6.D – Rock Riprap**
 - Added Section 6, Rock Riprap Gradation Field Verification, which refers to Standard Specification 591S for gradation field test methods.
- **1.4.7.A Vegetative Practices**
 - 6. Seed Bed Preparation – Revised language about depth of decompaction from 4 to 6-12 inches, and added sentence about not driving over decompacted soils with heavy equipment.

Environmental Criteria Manual Section 1.6 - Design Guidelines for Water Quality Controls

- **1.6.2.F – Integrated Pest Management Guidelines**
 - Updated and relocated IPM criteria.
- **1.6.3 - Maintenance and Construction Requirements**
 - A. Amended to reference SCMs- stormwater control measures, removed the term released and replaced with accepted, and clarified applicable sections of the ECM and DCM that must be met for pond acceptance.
 - B. Removed redundant pond requirements that are already required in section DCM 1.2.4.E.
 - C. Reorganized and condensed section to clarify requirements for all SCMs. Added Green Stormwater Team maintenance recommendations for GSI.
 - D. Updated and relocated irrigation guidelines for all SCMs.
- **1.6.5 - Design Guidelines for Sedimentation/Filtration Systems**
 - Removed water quality pond high flow geotextile fabric table 1.6.5.A.1 and incorporated it into standard specification 620S, Filter Fabric.
- **1.6.7.1 Introduction**

- Updated terminology to reflect proposed modification to 1.6.
- **1.6.7.C. – Biofiltration**
 - 1. Clarified splitter box/flow spreading requirement and added reference to section 1.6.2.B
 - 2. Removed redundant splitter box design language.
 - 3. Clarified splitter box/flow spreading language and added reference to section 1.6.2.B for splitter box design.
 - 4.A. Removed reference to biofiltration sequence of construction requirements. This section has been incorporated into the biofiltration standard specification.
 - 4.B. Updated section to clarify granular filter design criteria.
 - 5. Reorganized and condensed section on Landscape Design for greater clarity, less redundancy. Revised recommended plant species list and add table of plants not recommended.
- **1.6.7.E Porous Pavement**
 - 3. Design Guidelines – corrected assumed effective porosity of gravel bed to read less than or equal to 0.30
 - 6. Post Construction/Inspection – Corrected saturated hydraulic conductivity requirement clarifying that it must be great than or equal to 0.20 in/hr.
- **1.6.7.G Non Required Vegetation**
 - 2. Updated biofiltration medium reference to new standard specification
- **1.6.7.H. Rain Garden**
 - 2. Site Selection - Added the word “Zone” to the phrase Barton Springs Recharge.
 - 5. Growing Medium – Update reference to new biofiltration medium standard specification.

AUTHORITY FOR ADOPTION OF PROPOSED RULE

The authority and procedure for the adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is established in Chapter 1-2 of the City Code. The authority to regulate water quality is established in Chapter 25-8 of the City Code.

CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Proposed Rule R161-15.12, the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director’s administrative authority.

REVIEW AND APPROVED

Victoria J. Li, P.E., Director
Watershed Protection Department

Date: _____

Anne Morgan
Acting City Attorney

Date: _____

This Notice of Proposed Rule was posted on a central bulletin board at City Hall by the City Clerk. Date and time stamp is on the front of the notice.